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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,944	04/12/2001	David B. Dwyer	H0002046	3235

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EXAMINER
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AMINI, JAVID A

ART UNIT	PAPER NUMBER
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2628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/833,944

Applicant(s)

DWYER ET AL.

Examiner

Javid A. Amini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10, and 12-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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***Response to Amendment***

Applicant's arguments with respect to claim 10, and 12-27 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10, and 12-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In view of nonfunctional descriptive material, claims 10 and 18 are considered as a nonfunctional descriptive material, because the first step of the claim "a display that is configured ..." to do something, and the second step of the claim recites "a processor that is configured ..." to receive data. Examiner's interpretation is as follows: the display is not displaying and the processor is not receiving data, therefore, the claims 10 and 18 are considered as an abstract ideas which do not produce a tangible result. The same rationale applies to claim 18. e.g., This is similar to the example of purchasing a car i.e. your brain is set to purchase a car, but the car has not been purchased yet. The dependent claims 12-17, 19-27 are rejected with respect to the rejection of the independent claims 10 and 18.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10, and 13-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 10, last two lines recites “Wherein the predefined event includes movement of the cursor by a user, a predefined change in the data of one or more of the plurality of displayed data categories or both”, the underlined term “both” renders the claimed invention, because the claimed invention dose not explicitly specify what is considered as the other.

Re. the dependent claims 13-17 are rejected because they are dependent to the rejected claim 10.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 10, and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies with U.S. Patent number 6,262,741 B1, and further in view of Almeida, Gorete et al. EP 0 927 941 A2 (hereinafter refers as Gorete)

1. Claim 10.

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Davies in figs. 6 illustrates the claim limitations of: "An apparatus for displaying a plurality of data categories, comprising:". Davies at col. 3, lines 47-60 teaches "a display that is configured to display a cursor, and to produce a first visual representation of data of a first data category of the plurality of data categories and a second visual representation of data of a second data category of said plurality of data categories, and a third visual representation of data of a third data category of the plurality of data categories". Davies in fig. 7 illustrates a processor 104 that teaches the step of "a processor that is configured to receive the data of each of the plurality of data categories and control said display to present said first visual representation of the data of said first data category superimposed over said second visual representation of the data of said second data category and said third visual representation of the data of said third data category". Examiner's interpretation: the visual representations in the claim may be considered as a stack of transparent layers. Davies at col. 8 lines 25-31 teaches "whereby the first visual representation masks said second visual representation in a first common region of said first visual representation and said second visual representation and said third visual representation in a second common region of said first visual representation and said third visual representation, Davies in fig. 9 illustrates that a user selects a map and convert it into layers in step 512, the processor further configured to determine an occurrence of a predefined event and, Davies in fig. 10 step 618 illustrates upon determining the predefined event has occurred, (Davies in fig. 10 step 628 illustrates scroll to another layer) to superimpose said second visual representation of the data of said second data category over said first visual representation of the data of said first data category whereby the second visual representation masks said first visual representation in said first common (Examiner's interpretation: since all layers are stack as transparent sheets, therefore it is obvious to have different common regions on the map) region.

Davies does not explicitly specify superimpose said third visual representation of the data of said third data category over said first visual representation of the data of said first data category such

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that the third visual representation makes said first visual representation in said second common region.

However, Gorete at col. 5, lines 2-4 teaches the simulated data can be superimposed on one another and are viewable on a display of computer system using a graphical user interface. Also Gorete at col. 7 lines 1-5 teaches the top layers being transparent in order to view all layers simultaneously. It is obvious masking the first data i.e. first layer with the second data i.e. second layer by selecting the second data. Davies at step 610 in fig. 10 teaches wherein the predefined event includes movement of the cursor by a user, a predefined change in the data of one or more of the plurality of displayed data categories or both.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Gorete into Davies for providing visual representations of data of the claimed invention in order to minimize the complexity of a data structure which is less expensive to build and maintain.

2. Claim 13.

"The apparatus of Claim 10, wherein the data of said plurality of data categories are vehicle data categories", Davies in fig. 4 illustrates a block diagram illustrating an exemplary computer system 100 upon which an embodiment of the invention may be implemented. The invention is usable with currently available personal computers, mini-mainframes and the like. The invention is also envisioned as usable in the cockpit of an aircraft, on a ship and in moving land vehicles. It is believed that invention described herein can readily be adapted for specific hardware configurations for each of these operating environments.

3. Claim 14.

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“The apparatus of Claim 10, wherein the data of said plurality of data categories are aircraft data categories”, Davies in fig. 4 illustrates a block diagram illustrating an exemplary computer system 100 upon which an embodiment of the invention may be implemented. The invention is usable with currently available personal computers, mini-mainframes and the like. The invention is also envisioned as usable in the cockpit of an aircraft, on a ship and in moving land vehicles. It is believed that invention described herein can readily be adapted for specific hardware configurations for each of these operating environments.

4. Claim 15.

“The apparatus of Claim 10, wherein said display is a Multi-Function Display (MFD)”, Davies at cols. 14-15 lines 65-67 and 1-3 respectively teaches the system also provides database management allowing data entry, data editing retrieval functions include the ability to select certain attributes and records based on their values. Objects are highlighted which is a way of indicating to the user that a feature is the successful result of a query.

5. Claim 16.

“The apparatus of Claim 10, wherein the data of said first data category is sensor data”, the step is obvious because the data received from GPS considered as a sensor data.

6. Claim 17.

“The apparatus of Claim 10, wherein the data of said second data category is navigation data”, the step is obvious because the data received from GPS is considered as navigation data. Applicant requires being more explicit about the second data considered as navigation data.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner  
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J.A.



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SUPERVISORY PATENT EXAMINER